

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PRIORITY RECORDS, LLC, et al.,)
Plaintiff(s),) No. C07-1023 PJH (BZ)
v.) **SCHEDULING ORDER**
LUIS TABORA,)
Defendant(s).)

TO ALL PARTIES AND COUNSEL OF RECORD:

By order dated May 23, 2007, the above matter was referred to Magistrate Judge Bernard Zimmerman to issue a report and recommendation regarding plaintiffs' motion for default judgment. **IT IS HEREBY ORDERED** that a hearing on plaintiffs' motion is set for **Wednesday, August 1, 2007, at 10:00 a.m.** in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102.

Compliance with 50 App. U.S.C. 501 et seq. of the Servicemembers' Civil Relief Act may not be satisfied on information and belief. See 50 App. U. S.C. 521(b)(1); United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn. 1980)

1 (interpreting 50 App. U.S.C. 520(1), predecessor to 50 App.
2 U.S.C . 521(b)(1)). If not otherwise provided, plaintiffs
3 should be prepared to provide sufficient information at the
4 hearing.

5 Plaintiffs should also be prepared to prove all damages
6 by competent testimony or other admissible evidence. If
7 plaintiff intends to prove facts by affidavits or
8 declarations, the affiant or declarant should have personal
9 knowledge of all matters to which she testifies. For all
10 evidence, proper foundations must be established. For an
11 explanation of the evidentiary requirements for proving
12 damages in a default case, the parties are encouraged to
13 consult Chapter Six of Civil Procedure Before Trial by William
14 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

15 Defendant should attend the hearing if it contests the
16 validity or amount of plaintiffs' claim. Seven (7) days
17 before the hearing, on **Wednesday, July 25, 2007**, plaintiffs
18 shall file with the Clerk of the Court, and deliver directly
19 to chambers, a declaration setting forth in detail all steps
20 taken to locate defendant and serve him with this order. If
21 defendant actually received this order, plaintiffs' affidavit
22 should so state, including plaintiffs' basis for this
23 knowledge.

24 Dated: May 31, 2007

25 
Bernard Zimmerman
26 United States Magistrate Judge

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